

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 672, FOOD AND DRUGS ACT.

ADULTERATION OF ICE CREAM CONES AND ICE CREAM CLAMS.

On or about April 28, 1910, there were shipped from Brooklyn, N. Y., to Philadelphia, Pa., 5 packages of ice cream cones, each of which packages was labeled "Consolidated Ice Cream Cones—16—Wafer Company, Inc., Brooklyn, N. Y., U. S. A. Sole Manufacturers Consolidated Wafer Co., Brooklyn, N. Y., U. S. A." and "The Brooklyn Ice Cream Cone Manufactured by Consolidated Wafer Co., Inc.," and 35 packages of ice cream clams, each of which packages was labeled "Consolidated Wafer Co., Incorporated. Manufacturers of high grade Ice Cream Clams. Very tasty clams. Ice Cream Novelties." Examination of samples of these products by the Bureau of Chemistry, United States Department of Agriculture, showed them to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania.

In due course a libel was filed in the District Court of the United States for said district against the said 5 packages of ice cream cones and 35 packages of ice cream clams, charging the above shipment and alleging the products so shipped to be adulterated, in that they contained an added poisonous and deleterious ingredient, to wit, boric acid and salts thereof, which rendered said articles of food injurious to health, and praying seizure and condemnation of the products.

On September 9, 1910, the cause came on for hearing and no claimant to the said products having appeared and no answer having been filed to said libel, the court being fully informed in the premises issued its decree, condemning said products and forfeiting them to the use of the United States for the causes in the above libel set forth, and ordering their destruction by the marshal of said district, which order was forthwith executed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 1, 1910.

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